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May 4, 2012

BY ECF

Hon. Therese Wiley Dancks
United States Magistrate Judge
United States District Court,
Northern District of New York
100 S. Clinton Street
Federal Building and U.S. Courthouse
Syracuse, NY 13261-7346

Re: Utica Mutual Ins. Co. v. Fireman's Fund Ins. Co.
6:09-cv-00853 DNH-TWD

Dear Judge Dancks:

We write on behalf of the parties to advise this Court that on May 1, 2012, the Second Circuit denied Utica Mutual Insurance Company's ("Utica's") petition for reconsideration in the matter captioned *Application of Utica Mutual Insurance Company for an Order Disqualifying Chadbourne & Parke LLP*, No. 10-4164-cv (the "R&Q Proceeding"). Given this development, there is no longer any impediment to this Court considering the request by Fireman's Fund Insurance Company ("FFIC") for leave to provide supplemental briefing in connection with Utica's pending motion for a protective order. As the Court may recall, discussion of FFIC's request was deferred during the March 30, 2012 status conference because Utica had filed a petition for reconsideration, which precluded FFIC's counsel from discussing with this Court the record in either the R&Q Proceeding or the underlying action.

Walter Andrews, Utica's counsel, reviewed this letter in draft and agrees that, once the mandate is issued by the Second Circuit, Utica's previously-pending rehearing petition would no longer be an impediment to the Court considering FFIC's request.

Respectfully,



John F. Finnegan

cc: Walter Andrews, Esq.
Syed Ahmad, Esq.
Patrick McDermott, Esq.
Mary Lopatto, Esq.
Nancy Monarch, Esq.

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